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10 UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF WASHINGTON  
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 RAYMOND LENARD HOLT,

17 Defendant.

1:22-CR-02060-SAB

United States' Amended Sentencing  
Memorandum

18  
19 Plaintiff United States of America, by and through Vanessa R. Waldreff,  
20 United States Attorney for the Eastern District of Washington and Michael D.  
21 Murphy, Assistant United States Attorney for the Eastern District of Washington  
22 hereby submits its sentencing memorandum.

23 Pursuant to a written plea agreement (ECF 52), Defendant pleaded guilty on  
24 March 14, 2023 to the Indictment, which charged him with Abusive Sexual  
25 Contact in violation of 18 U.S.C. §§ 1152, 2244(a)(5). The United States Probation  
26 Offices submitted a draft Presentence Investigation Report ("PSR") which was  
27 filed on May 17, 2023 (ECF 54). The United States has no objections to the PSR.  
28

1 The PSR calculates Defendant's total offense level as 21. PSR, ¶ 44. This  
 2 level contemplates a three level reduction for acceptance of responsibility. *Id.* at ¶¶  
 3 42-43. Defendant's criminal history category is calculated as I. *Id.* at ¶ 50.  
 4 Accordingly, the draft PSR calculates his guideline sentencing range as 37-46  
 5 months incarceration followed by 5 years to life of supervised release. *Id.* at ¶¶ 99,  
 6 101. Pursuant to the Plea Agreement, the parties agree that, pursuant to  
 7 Fed.R.Crim.P. 11(c)(1)(C), Defendant receive a sentence of incarceration of 24-60  
 8 months imprisonment followed by 5-20 years supervised release. Plea Agreement,  
 9 (ECF 52, ¶¶ 3, 12, 14).

### 10 **Sentencing Recommendation**

11 The United States requests that the Court enter a sentence of between 24 and  
 12 60 months incarceration followed by 5 years of supervised release. As recounted in  
 13 the PSR, Defendant sexually touched a child under the age of twelve years, directly  
 14 and through her clothing. PSR, ¶¶ 11-14, 24-26.

15 The prosecution's recommendation of a sentence of two to five years  
 16 incarceration and plea agreement to that range is premised in part upon weighing t  
 17 the seriousness of Defendant's actions against his history of service in the military  
 18 and lack of criminal history despite his advanced age. *See* PSR, ¶¶ 71, 84-93. In  
 19 addition, Defendant indicated a desire to accept responsibility for his actions at an  
 20 early stage of this matter and has done so. Should the Court impose a sentence in  
 21 the range set forth in the plea agreement, Defendant will be 78 to 81 years of age  
 22 upon release and subject to supervision until he is, at minimum, 83 years old.

### 24 **Special Penalty Assessment**

25 Given Defendant's limited and fixed income, the United States does not  
 26 request the imposition of a criminal fine in this case. However, the United States  
 27 does request that the Court impose, in addition to the mandatory \$100 special  
 28 penalty assessment, a \$5,000 mandatory special penalty assessment pursuant to 18

1 U.S.C. § 3014.

2 **Restitution**

3 Restitution is mandatory. PSR, ¶¶ 110-111. The United States is unaware of  
4 any restitution requests at this time. Should any be made, the government will  
5 provide that information to Defendant and the Court.

6 Based upon the foregoing, the United States respectfully requests that the  
7 Court impose a sentence of 24-60 months incarceration to be followed by 5 years  
8 supervised release, no criminal fine, a \$100 special penalty assessment and a  
9 \$5,000 JVTA special penalty assessment, and restitution in the amount of \$257.55.  
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11  
12 Dated: June 6, 2023.

13  
14 Vanessa R. Waldreff  
15 United States Attorney

16 /s/ Michael D. Murphy  
17 Michael D. Murphy  
18 Assistant United States Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all registered parties.

/s/ Michael D. Murphy  
Michael D. Murphy  
Assistant United States Attorney